

**Introduced by Senator Wright**

February 22, 2013

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An act to add Section 41513.6 to the Health and Safety Code, relating to nonvehicular air pollution.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 736, as introduced, Wright. Electrical generation facility: upgrades: permit fees.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control and air quality management districts (districts) with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law authorizes the board of each air pollution control and air quality management district to establish a permit system that requires a person that uses certain types of equipment that may cause the emission of air contaminants to obtain a permit.

This bill would prohibit a district from assessing a permit modification fee on the operator or owner of a electrical generation facility that participates in a specified emission offset transfer when a modification of the electrical generation facility results in increased thermal efficiency for the electrical generating units and does not increase the gross generating capacity. By imposing new duties on districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 41513.6 is added to the Health and Safety
- 2 Code, to read:
- 3 41513.6. A district shall not assess a permit modification fee
- 4 on the operator or owner of an electrical generation facility that
- 5 participates in the transfer of an emissions offset from a district's
- 6 internal emissions offset account when the modification of the
- 7 electrical generation facility results in increased thermal efficiency
- 8 for the electrical generating units and does not increase the gross
- 9 generating capacity.
- 10 SEC. 2. If the Commission on State Mandates determines
- 11 that this act contains costs mandated by the state, reimbursement
- 12 to local agencies and school districts for those costs shall be made
- 13 pursuant to Part 7 (commencing with Section 17500) of Division
- 14 4 of Title 2 of the Government Code.